

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

ANTHONY STEPHENS,

Plaintiff,

vs.

Civil Action No. 03:17-3930

**C.I. Heritage Inn of Barboursville, LP
and T.M.I. Property Management, LLC,
both d/b/a Barboursville Comfort Inn,
Foreign Corporations,**

Defendants.

AMENDED COMPLAINT

FOR AMENDED CAUSE OF action against the Defendants, your Plaintiff, Anthony Stephens, represents unto this Honorable Court as follows:

I.

That at all times material hereto, C.I. Heritage Inn of Barboursville, LP, d/b/a Barboursville Comfort Inn was a foreign corporation with a license to do business in the State of West Virginia.

II.

That at all times material hereto, T.M.I. Property Management, LLC, d/b/a Barboursville Comfort Inn was a foreign corporation with a license to do business in the State of West Virginia.

III.

That at all times material hereto, both Defendants were acting by and through their servants, agents or employees who were acting within the scope of their employment with their respective Defendants.

IV.

That on or about August 3, 2015, the Plaintiff's wife checked into the Barboursville Comfort Inn, in room 304 along with the Plaintiff. Plaintiff alleges that the Comfort Inn of

Mark Hobbs
Attorney at Law
Professional Building
(304) 855-4878

Post Office Box 974
Chapmanville, WV 25508

Barboursville was owned or operated by the Defendants listed above. The receipt for room 304 has previously been provided to Defendants' Counsel.

V.

That while staying as a guest with his wife in room 304 of the Comfort Inn of Barboursville, West Virginia, your Plaintiff was injured as a result of the negligence of the Defendants. More specifically, the negligence included, but was not limited to, the following:

A. While on the premises, the Defendants negligently, carelessly and recklessly maintained a bathroom railing which was a fixture of the shower in room 304 as part of the room which the Plaintiff was staying. While trying to take a shower or showering, your Plaintiff fell as the railing collapsed while the Plaintiff was holding the same causing the Plaintiff to fall; and

B. The Defendants were negligent because they refused to offer the Plaintiff a room which was handicap accessible notwithstanding the Plaintiff's request for a handicap accessible room; and

C. The Defendants were negligent as they did not provide a shower floor or bathroom floor which was designed to prevent guests from slipping, sliding, or falling; and

D. The Defendants failed to properly maintain and provide proper maintenance to the bathroom railing which collapsed.

VI.

That as a direct and proximate result of the negligent, careless and reckless acts of the Defendants, the Plaintiff was caused to incur both temporary and permanent injuries to his leg and other parts of his body; the Plaintiff was caused to incur medical bills in the approximate amount of \$54,000.00 and will in the future incur medical expenses; the Plaintiff was caused pain and suffering and mental anguish both temporary and permanent; the Plaintiff was caused permanent disfigurement; that this Plaintiff was caused to suffer a diminished capacity to enjoy life; and Plaintiff was otherwise greatly damaged.

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VII.

Your Plaintiff agrees that Federal jurisdiction is appropriate as this matter involves a West Virginia resident suing two (2) foreign corporations and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).

PRAYER

WHEREFORE, your Plaintiff, Anthony Stephens, prays that he be granted a judgment against the Defendants, jointly and severally, in the amount of \$125,000.00; that Plaintiff be granted pre-judgment interest on all out-of-pocket expenses; and grant to your Plaintiff such other, further and general relief as this Court deems proper as in duty bound he will ever pray, etc.

A JURY TRIAL IS DEMANDED.

Anthony Stephens,

By Counsel,



Mark Hobbs, Esq. (WVSB#1744)
Counsel for Plaintiff
Post Office Box 974
Chapmanville, West Virginia 25508
(304) 855-4878/(304) 855-4877
hobbslaw82@frontier.com

Mark Hobbs
Attorney at Law
Professional Building
(304) 855-4878

Post Office Box 974
Chapmanville, WV 25508

CERTIFICATE OF SERVICE

I, Mark Hobbs, Counsel for Plaintiff, do hereby certify that on the 29th day of September, 2017, I electronically filed the foregoing **Amended Complaint** with the Clerk of this Court using the CM/ECF System which will send notification of such filing to the following CM/ECF participant:

Robert A. Lockhart, Esq. (WVSB#4657)
Counsel for Defendants
Cipriani & Werner, P.C.
Laidley Tower, Suite 900
500 Lee Street East
Charleston, West Virginia 25301

/s/ Mark Hobbs
Mark Hobbs, Esq. (WVSB#1744)

Mark Hobbs
Attorney at Law
Professional Building
(304) 855-4878

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